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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,455	04/24/2001	Sung Lyong Lee	Q62057	1907

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EXAMINER

SHAPIRO, LEONID

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 07/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/840,455

Applicant(s)

LEE, SUNG LYONG

Examiner

Leonid Shapiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Chernock et al (US Patent no. 6,229,524 B1) in view of Blonstein et al. (US Patent No. 5,955,988).

As to claim 1, Chernock et al. teaches an OSD cursor display method of: transmitting OSD cursor display data to a display apparatus from an OSD source (See Fig. 2, items Frame 1, 30,40,50,60, in description See Col. 5, Lines 43-54); storing received OSD cursor display data in the memory in the display apparatus (See Col. 4, Lines 46-63); displaying the cursor display data stored in the memory at a received cursor display location in the display apparatus (See Fig. 2, items Frame 1, 30,40,50,60, in description See Col. 5, Lines 43-54).

Chernock et al. teaches to reposition the cursor from one hot spot to another using the tab key or arrow keys (See Fig. 2, items Frame 1, 30,40,50,60, in description from See Col. 5, Lines 56 to Col. 6, Line 20).

Chernock et al. does not show transmitting only cursor display information to the display apparatus from the OSD source.

Blonstein et al. teaches moving the cursor on the TV screen in alignment with pointing device movement (See Fig. 7, in description See from Col. 9, Line 59 to Col. 10, Line 11). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the cursor movement transmitting only the cursor display information as shown by Blonstein et

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al. in Chernock et al. method in order to provide the user with a simple interface to navigate a cursor among current hot spots (See from Col. 2, Line67 to Col. 3, Line1 in Chernock et al. reference).

As to claim 3, Chernock et al. teaches an OSD image display apparatus, comprising: an OSD source remote controller for generating a cursor display command on a screen (See fig. 3, items 1-12, tab, enter, options, in description see Col. 5, Lines 56-67); an OSD source for initially transmitting OSD cursor display data (See Fig. 2, items Frame 1, 30,40,50,60, in description See Col. 5, Lines 43-54); a display apparatus for storing OSD cursor display data transmitted by the OSD source in the memory (See Col. 4, Lines 46-63), and displaying the cursor display data on the screen by reading the cursor display data stored in the memory in response to the cursor display location information (See Fig. 2, items Frame 1, 30,40,50,60, in description See Col. 5, Lines 43-54).

Chernock et al. teaches to reposition the cursor from one hot spot to another using the tab key or arrow keys (See Fig. 2, items Frame 1, 30,40,50,60, in description from See Col. 5, Lines 56 to Col. 6, Line 20).

Chernock et al. does not show transmitting only cursor display location information if the cursor display command is received from OSD source remote controller.

Blonstein et al. teaches moving the cursor on the TV screen in alignment with pointing device movement (See Fig. 7, in description See from Col. 9, Line 59 to Col. 10, Line 11). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the cursor movement transmitting only the cursor display information as shown by Blonstein et al. in Chernock et al. apparatus in order to provide the user with a simple interface to navigate a

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cursor among current hot spots (See from Col. 2, Line67 to Col. 3, Line1 in Chernock et al. reference).

As to claims 2, 4, Chernock et al. teaches a product which can store OSD cursor display data before the OSD source transmits OSD cursor display data to the display apparatus (See Col. 4, Lines 46-63).

As to claims 5-6 Chernock et al. does not teach a register (output asynchronous plug register) as a storage device. However, the Chernock et al.'s RAM (See Col. 4, Lines 46-63) is the same as the register or it is equivalent to the register.

As to claim 7, Chernock et al. teaches an MPEG source for supplying an MPEG transport stream to the display apparatus (See Fig. 1, items 100, 160,170, in description See Col. 5, Lines 11-22); an OSD generator display data in digital format (See Col. 4, Lines 38-45); a controller for controlling the MPEG source and OSD generator (See from Col. 4, Line 64 to Col. 5, Line 10).

Chernock et al. does not show an OSD generator for generating display data in bitmap format. Since advantages of using bitmap format were not shown, it would have been obvious to one of ordinary skill in the art at the time of invention to implement an OSD generator for generating display data in bitmap format in Chernock et al. apparatus in order to provide the user with a simple interface to navigate a cursor among current hot spots (See from Col. 2, Line67 to Col. 3, Line1 in Chernock et al. reference).

As to claim 8, Chernock et al. teaches a command input part for receiving a command signal from the OSD source remote controller and providing the command signal to the controller (See from Col. 4, Line 64 to Col. 5, Line 10).

As to claim 9, Chernock et al. teaches an Mpeg decoder for decoding an MPEG transport stream and outputting image data (See Fig. 1, items 100, 160, 170, in description See Col. 5, Lines 11-22); a buffer for buffering OSD data (See Col. 4, Lines 46-64); an overlapper for overlapping the image data and OSD data and providing overlapped data to the screen (See Col. 4, Lines 54-49); a controller for controlling the MPEG decoder, the buffer, the overlapper, the memory, and the screen (See Fig. 1, items 100, 160, 170, in description See Col. 5, Lines 3-22).

As to claim 10, Chernock et al. teaches a display apparatus remote controller (See from Col. 4, Line 64 to Col. 5, Lines 22).

As to claim 11, Chernock et al. teaches a command input part for receiving a command signal from the display apparatus remote controller (as part of controller) and providing the command signal to the controller (See Col. 5, lines 4-22).

Response to Arguments

2. Applicant's arguments filed on 06-19-03 have been fully considered but they are not persuasive.

On page 4, 1st paragraph in regard to claim 1, Applicant stated that Chernock et al. fail to disclose storing received OSD cursor display data in a memory in display apparatus. However, Chernock et al. includes memory in display apparatus: "In preferred embodiment of the present invention, the viewer equipment includes a Set-Box (STB) or a **television monitor which contains the function of STB**" (See Col. 4, Lines 37-40). Those functions include memory (See Col. 4, Line 54).

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On page 4, 2nd paragraph in regard to claim 1, Applicant stated that Chernock et al. to do not disclose displaying cursor display data stored in the memory at received cursor display location in display apparatus. However, Chernock et al. includes memory in display apparatus: "In preferred embodiment of the present invention, the viewer equipment includes a Set-Box (STB) or a **television monitor which contains the function of STB**" (See Col. 4, Lines 37-40). Those functions include memory (See Col. 4, Line 54).

On page 5, 4th paragraph in regard to claim 1, Applicant stated that there is no suggestion or motivation to combine the references. However, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, 'the user with a simple interface to navigate a cursor among current hot spots (See from Col. 2, line 67 to Col. 3, Line 1 in Chernock et al. reference)'.

On page 5, last paragraph in regard to claim 3, Applicant stated that Chernock et al. do not teach or suggest a display apparatus for storing the OSD cursor display data transmitted by the OSD source in a memory and displaying the cursor display data on the screen... However, Chernock et al. includes memory in display apparatus: "In preferred embodiment of the present invention, the viewer equipment includes a Set-Box (STB) or a **television monitor which**

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contains the function of STB" (See Col. 4, Lines 37-40). Those functions include memory (See Col. 4, Line 54).

On page 6, fourth paragraph in regard to claims 5-6, Applicant stated that RAM and register have different definition. However, ordinary skill in the art would consider a RAM to be equivalent to a register only from point of view of data storage location without randomness of the access.

In response to Applicant comments regarding claim 7, see rejection of claim 7 above.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Telephone inquire


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 703-305-5661. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 703-305-4938. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

ls
July 21, 2003



BIPIN SHALWALA
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